

## REMARKS

The above amendments are made without prejudice. Reconsideration is respectfully requested.

Allowance of claims 1-4 is acknowledged.

Claim 5 has been amended to emphasize the differences of the bracket of the invention from the concrete insert disclosed in the prior art to Miller. Importantly, in Miller, the two side walls 24 of the part 10 are perpendicular to the flat portion, and hence are not “diverging” from the flat top portion as recited in amended claim 5. This perpendicular relationship in the prior art is essential to permit the two parts to slide together as illustrated in Figure 2. (See Col. 2, lines 47-50). Thus, it would not be obvious from the content of Miller to make a bracket with a flat top portion and “diverging” side walls.

New claims 12-16 have been added that make the distinctions of the bracket readily recognizable in the context of its use in a concrete form. In this regard, it must be noted that the Miller art is non-analogous. It relates to structures implanted into concrete for use after the concrete has been set. The bracket of the invention is used during the pouring process and does not remain in the concrete. The prior art of inserts for concrete would not be useful in solving problems associated with the equipment used in making concrete walls.

The new claims positively recite the form wall. Further, they recite that flat top portion of the bracket is spaced from the form wall. This is exactly the opposite of the teaching of Miller. In Miller, the flat top portion must be adjacent the form wall, it is intended that the flat wall surface be exposed at the surface of the concrete wall being poured. In the invention here, the flat top portion must be spaced away from the form wall. These claims clearly distinguish the disclosure of the Miller prior art.

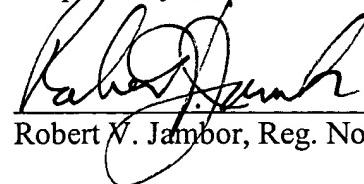
Moreover, the newly added claims recite "two sidewalls diverging from said top wall portion, each said sidewall having a flange projecting therefrom, secured to said form wall."

None of the prior art of record discloses a bracket as claimed.

Favorable action on the pending claims is requested.

Any required fees may be charged to Deposit Account 10-0460.

Respectfully submitted,

  
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